

Edward Vincent King, Jr. (SBN 085726)
Alvin B. Lindsay (SBN 220236)
KING & KELLEHER, LLP
20 California Street, 7th Floor
San Francisco, CA 94111
Telephone: (415) 781-2888
Facsimile: (415) 781-3011

Attorneys for Plaintiff
TRENT WEST

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRENT WEST,

Plaintiff,

v.

**JEWELRY INNOVATIONS, INC.,
TOSYALI INTERNATIONAL, INC.
(dba BENCHMARK), NORTHSTAR
DIAMOND, INC. (dba TUNGSTEN
MAGNUM), A JAMAIS DESIGNS,
INC. (dba INFINITY RINGS), and
CROWN RING, INC.,**

Defendants.

And Related Cross-Actions

Case No.5:07-cv-1812 JF (HRL)

**STIPULATION BETWEEN WEST AND
CROWN RING TO PERMIT ENTRY OF
WEST'S FIRST AMENDED
INFRINGEMENT CONTENTIONS AS TO
CROWN RING FOR GOOD CAUSE
UNDER PATENT L.R. 3-7
AND ORDER**

Plaintiff Trent West ("West"), by and through his undersigned counsel of record, and Defendant Crown Ring, Inc. ("Crown"), by and through its undersigned counsel of record, have agreed and stipulate under Civil L.R. 7-12 that good cause exists under Patent L.R. 3-7 to permit entry of West's First Amended Infringement Contentions, which are submitted herewith for the Court's review. A similar reciprocal stipulation seeking to permit entry of Crown's amended invalidity contentions is forthcoming.

Fact discovery has progressed towards closing on December 5, 2008, and expert reports by the party with the burden of proof on an issue are to be served by November 25, 2008. Documents have been produced by the parties, and fact witness depositions have been taken. While additional production and depositions may occur before the close of discovery, West and Crown believe it is prudent, fair and justified to permit amendment to their infringement and invalidity contentions for good cause in order to prepare for filing of expert reports and to facilitate their supplemental responses to certain contention interrogatories before the close of fact discovery. Thus, West and Crown seek leave of the Court, based upon this stipulation as to good cause, to permit amendment of their infringement and invalidity contentions to conform their contentions to the evidence which has been made of record thus far in this matter.

West and Crown have agreed that the scope of their stipulation for good cause under Patent L.R. 3-7 shall extend only to permitting entry of amendments based upon or arising directly from the content of evidence which has been made of record through production of documents or fact witness depositions. West and Crown agree that a party may not amend to add contentions based upon evidence that has not been disclosed to the other party directly through production of documents or through deposition testimony made of record thus far.

Accordingly, West and Crown request that the Court issue an Order, for good cause shown, permitting entry of West's First Amended Infringement Contentions Against Defendant Crown Ring, which have been submitted herewith for the Court's review. Crown's counsel has reviewed these contentions and confirms that West's amendments conform to the scope of the parties' above articulated agreement. Similar amended invalidity contentions submitted by Crown will follow shortly upon their completion and West's counsel's review for agreement conformance. West's counsel files this stipulation having received Crown's counsel's consent.

KING & KELLEHER

TROJAN LAW OFFICES

By: /s/Alvin B. Lindsay
Alvin B. Lindsay

By: /s/R. Joseph Trojan
R. Joseph Trojan

Attorneys for Plaintiff Trent West

Attorneys for Defendant Crown Ring, Inc.

Date: October 28, 2008

Date: October 28, 2008

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that West's First Amended
2 Infringement Contentions Against Defendant Crown Ring shall be deemed entered based upon
3 good cause appearing therefor under Patent L.R. 3-7.
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5 DATED: October 29, 2008
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8 Hon. Jeremy Fogel
9 Judge, U.S. District Court – N.D. Cal.
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